



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINETEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS (EXCEPT BLAIR E.
AND BARBARA K. ROACH)**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Nineteenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7531] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; a response having been received from Blair E.
5 and Barbara K. Roach, no other responses to the Objection having been filed; and good
6 cause appearing:

7 **IT IS ORDERED** that:

8 1. The Objection [DE 7531] is sustained; except for Claim 10725-02294 filed
9 by Blair E. and Barbara K. Roach; and

10 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
11 duplicative amount.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14 By /s/ John Hinderaker (018024)
15 Rob Charles
16 John Hinderaker (*pro hac vice*)
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21 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
REBECCA A ROGERS TRUST DTD 9/18/96	REBECCA A ROGERS TRUSTEE 2309 SIERRA HEIGHTS DR LAS VEGAS NV 89134	10725-01910	548,885.18	274,442.59
RENO AERONAUTICAL CORP DEFINED BENEFIT PLAN	C/O RICHARD R TRACY TRUSTEE PO BOX 1404 CARSON CITY NV 89702-1404	10725-02283	456,722.24	228,361.12
RGF REVOCABLE TRUST	ROBERT G FULLER TTEE 5172 ENGLISH DAISY WAY LAS VEGAS NV 89142	10725-02097	487,047.24	243,523.62
RICHARD M RAKER LIVING TRUST DTD 3/18/98	RICHARD M RAKER TTEE PMB 274 969 EDGEWATER BLVD FOSTER CITY, CA 94405	10725-02188	524,840.30	262,420.15
RICHARD W GILMOUR IRA	C/O FIRST SAVINGS BANK CUSTODIAN PO BOX 1241 CAMANO ISLAND WA 98292-1241	10725-01864	321,394.52	160,697.26
ROACH, BLAIR E & BARBARA K	PO BOX 1238 ZEPHYR COVE NV 89448-1238	10725-02294	200,000.00	100,000.00
ROBERT G FULLER IRA	FIRST SAVINGS BANK CUSTODIAN 5172 ENGLISH DAISY WAY LAS VEGAS NV 89142	10725-02166	216,544.66	108,272.33
ROBERT L OGREN TRUST DTD 6/30/92	ROBERT L OGREN TTEE 3768 RICK STRATTON DR LAS VEGAS NV 89120	10725-02001	324,491.12	162,245.56
ROBERT L OGREN TRUST DTD 6/30/92	ROBERT L ORGREN TTEE 3768 RICK STRATTON DR LAS VEGAS NV 89120	10725-02000	1,827,483.14	913,741.57
ROBERT W ULM LIVING TRUST DTD 4/11/05	ROBERT W ULM TTEE 414 MORNING GLORY RD ST MARYS GA 31558	10725-02088	1,376,330.00	688,165.00